

LIARD RIVER INDIAN BAND

BY-LAW #2 - 1990

RESIDENCY BY-LAW

WHEREAS pursuant to Section 81(d) & (p.1) of the *Indian Act* the Council of an Indian Band is empowered to make by-laws to preserve the law and order and prevent disorderly conduct and nuisances on the Reserve and to enact laws governing residency on the Reserve;

AND WHEREAS the Liard River Indian Band desires to establish laws governing residency on Liard Indian Reserve #3;

NOW THEREFORE the Council of the Liard River Indian Band enacts as follows:

1. CITATION

This By-law may be cited as the *Liard River Indian Reserve Residency By-Law*.

2. DEFINITIONS

- (a) "Band" means the Liard River Indian Band;
- (b) "Deputy Chief and Council" means the Deputy Chief and Council of Liard Indian Reserve #3 as appointed or elected from time to time in accordance with the custom of the Band;

- (c) "Reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of the Liard River Indian Band and which is known as Liard Indian Reserve #3;
- (d) "residence" means any dwelling on the Reserve;
- (e) "Resident" means any person using or occupying a residence, whether temporarily or permanently, on the Reserve;
- (f) "Council" means Chief and Council of the Liard River Indian Band.

3. RESERVE RESERVE LIST

- (a) The Council shall establish and maintain a Reserve residency list which shall contain the names of all persons eligible to reside on the Reserve.
- (b) Persons whose names do not appear on the Reserve residency list are forbidden to reside either temporarily or permanently on the Reserve.
- (c) Any person whose name does not appear on the Reserve residency list and is found in use or occupation either temporarily or permanently of a residence on the Reserve shall be subject to the penalties described herein. This section does not apply to persons

visiting Band members resident on the Reserve.

(d) The Reserve residency list shall be posted on the Reserve.

4. PERSONS ELIGIBLE TO HAVE THEIR NAMES PLACED ON THE RESERVE RESIDENCY LIST

4.1 The following persons are eligible as of right to have their names entered on the Reserve residency list and need not make application pursuant to Section 5;

- (a) all members of the Band, their spouses and their minor children;
- (b) subject to any terms and conditions of residency as may be determined by the Deputy Chief and Council, all non-Band members who are residing on the Reserve at the effective date of this by-law; and
- (c) persons in receipt of a Permit of Residency granted by the Minister of Indian and Northern Affairs pursuant to s.28(2) of the *Indian Act*.

4.2 Any other persons can apply pursuant to the procedures established in Section 5 herein to have their names placed on the Reserve residency list.

5. APPLICATION PROCEDURES

- (a) Persons may submit a written application to the Deputy Chief and Council on a form approved by the Deputy Chief and Council.
- (b) Within forty-five (45) days of receipt of the application, the Deputy Chief and Council shall review and may approve the application upon being satisfied:
 - i) that the applicant intends to reside on the Reserve;
 - ii) the granting of residency to the applicant is in the best interests of the Band; and,
 - iii) that the Band has sufficient land, housing and other resources to accommodate the applicant.

6. APPEAL OF THE DECISION OF THE DEPUTY CHIEF AND COUNCIL
TO THE PANEL OF ELDERS

- (a) The decision of the Deputy Chief and Council may be appealed by the applicant or another interested party within thirty (30) days of the decision of the Council, to a Panel of Elders of the Reserve.
- (b) The Panel of Elders shall consist of four (4) elders resident on the Reserve over the age of fifty years, all of whom shall be appointed by the Deputy Chief and Council for a period of five (5) years. The quorum shall be three (3) elders.

- (c) The Panel of Elders shall meet within thirty (30) days of the receipt by the Deputy Chief and Council of the protest. The applicant, Band Council and other interested parties shall be given ten (10) days written notice of the time place, and date of the appeal hearing.
- (d) The applicant and any other interested parties may make oral or written submissions in person or through legal counsel to the hearing appeal.
- (e) Within ten (10) days of the hearing the Panel shall render a decision in writing to the applicant and other interveners.

7. REMOVAL OF PERSONS FROM THE RESERVE

- (a) In the event that a person who resides on the Reserve or whose name appears on the Reserve residency list is found guilty in a Court of Law of the following offences:
 - i) assault against a member of the Band or person residing on the Reserve;
 - ii) theft of or damage to property of the Band or a person residing on the Reserve;
 - iii) creating mischief on the Reserve;

- iv) any other offence against persons or property of the persons on the Reserve;
- v) violation of Band by-laws; or
- vi) trafficking in narcotics on the Reserve,

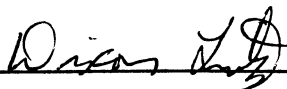
the Deputy Chief and Council may request an Order of the Court that the person be barred from the Reserve for a period of time to be determined by the Court.

8. PENALTIES


Any person residing on the Reserve without having his name on the Reserve residency list shall be in violation of the by-law and, upon summary conviction, be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding thirty (30) days or both.

Approved and passed at a duly convened meeting of the Council of the Liard River Indian Band this 18 day of April, 1990.

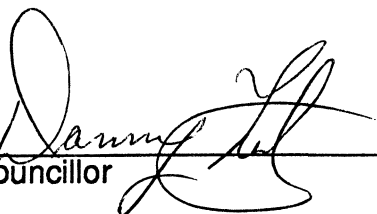
SIGNED:



Chief



Councillor



Councillor

Councillor

[Handwritten signature]

Councillor

[Handwritten signature]

8